

ASSEMBLY BILL

No. 1221

**Introduced by Assembly Members Jones and Leslie
(Coauthor: Assembly Member Niello)**

February 22, 2005

An act to amend Section 39510 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1221, as introduced, Jones. Air pollution: State Air Resources Board.

Existing law generally designates the State Air Resources Board as the state agency with the primary responsibility for the control of vehicular air pollution, and air pollution control districts and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law states that the state board is in the California Environmental Protection Agency, and requires the state board to consist of 11 specified members.

This bill would increase the membership of the state board to modify that provision to require the state board to 12 members. The additional member would be required to be a board member from either the Sacramento Metropolitan Air Quality Management District, the Placer County Air Pollution Control District, the Yolo-Solano Air Quality Management District, the Feather River Air Quality Management District, or the El Dorado County Air Pollution Control District.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 39510 of the Health and Safety Code is amended to read:

39510. (a) The State Air Resources Board is continued in existence in the California Environmental Protection Agency. The state board shall consist of ~~11~~ 12 members.

(b) The members shall be appointed by the Governor, with the consent of the Senate, on the basis of their demonstrated interest and proven ability in the field of air pollution control and their understanding of the needs of the general public in connection with air pollution problems. Six members shall have the following qualifications:

(1) One member shall have training and experience in automotive engineering or closely related fields.

(2) One member shall have training and experience in chemistry, meteorology, or related scientific fields, including agriculture or law.

(3) One member shall be a physician and surgeon or an authority on health effects of air pollution.

(4) Two members shall be public members.

(5) One member shall have the qualifications specified in paragraph (1), (2), or (3) or shall have experience in the field of air pollution control.

(c) ~~Five~~ Six members shall be board members from districts who shall reflect the qualitative requirements of subdivision (b) to the extent practicable. Of these ~~five~~ six members, one shall be a board member from the south coast district, one shall be a board member from the bay district, one shall be a board member from the San Joaquin Valley Unified Air Pollution Control District or, if the unified district is abolished, from the San Joaquin Valley Air Quality Management District if created pursuant to Section 5 of Chapter 915 of the Statutes of 1994, *one shall be a board member from either the Sacramento Metropolitan Air Quality Management District, the Placer County Air Pollution Control District, the Yolo-Solano Air Quality Management District, the Feather River Air Quality Management District, or the El Dorado County Air Pollution Control District*, one shall be a board member from the San

1 Diego County Air Pollution Control District, and one shall be a
2 board member of any other district.

3 (d) Any vacancy shall be filled by the Governor within 30
4 days of the date on which it occurs. If the Governor fails to make
5 an appointment for any vacancy within the 30-day period, the
6 Senate Committee on Rules may make the appointment to fill the
7 vacancy in accordance with this section.

8 (e) While serving on the state board, all members shall
9 exercise their independent judgment as officers of the state on
10 behalf of the interests of the entire state in furthering the
11 purposes of this division. No member of the state board shall be
12 precluded from voting or otherwise acting upon any matter solely
13 because that member has voted or acted upon the matter in his or
14 her capacity as a member of a district board, except that no
15 member of the state board who is also a member of a district
16 board shall participate in any action regarding his or her district
17 taken by the state board pursuant to Sections 41503 to 41505,
18 inclusive.

19 (f) Notwithstanding subdivision (e) of Section 1 of Chapter
20 1201 of the Statutes of 1991, this section shall become operative
21 on January 1, 1994.